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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,284	07/19/2001	Joseph M. Dewig	5723-68359	2204
23643	7590	11/16/2004	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			HAMDAN, WASSEEM H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/909,284	DEWIG ET AL.	
	Examiner	Art Unit	
	Wasseem H Hamdan	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-38 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12-22, 24-26, 28-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 23, 27 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5-9 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mckillip (US Patent 6,389,971 B1) in view of Vander Griendt et al. (US Patent 4,337,719).

Regarding claims 1 and 14, McKillip discloses an apparatus for applying a label to an object such as a container [FIGS. 1], the apparatus comprising:

a printer [20, 22, 24, 26],

a label applicator coupled to the printer [28],

the label applicator configured to apply a label to a surface of the object [column 5, lines 30-32] when the object is disposed near the label applicator [28; column 3, lines 16-18].

a control coupling the printer and the label applicator to coordinate the printing of the object [FIGS. 1; column 2, 59-61, which it is clear that all the individual stations (subsystem) are connected together through the controller, i.e. they are all controlled by a controller, so that they function together in the desired sequence].

Regarding claim 1, McKillip discloses the essential elements of the claimed invention, except for a holder configured to engage the object and move the object relative to a printer configured to print an image on the same surface when the object is disposed near the printer. Vander Griendt et al. discloses a holder configured to engage the object and move the object

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relative to a printer configured to print an image on the same surface when the object is disposed near the printer [FIG. 1; column 2, lines 12-17; column 3, lines 4-22]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of McKillip by including a holder configured to engage the object and move the object relative to a printer configured to print an image on the same surface when the object is disposed near the printer, for the purpose of printing directly on the object as taught by Vander Griendt et al. The ability to print directly on an object in combination with the ability to attach a label to the object would be beneficial for effectively providing information to a user of the object.

Regarding claim 2, McKillip discloses the label applicator is positioned relative to the printer such that the label is applied to the object [FIG. 1; 20, 22, 24, 26; 28; column 3, lines 7-25]. McKillip discloses the essential elements of the claimed invention, except for a holder configured to engage the object and move the object relative to a printer configured to print an image on the same surface when the object is disposed near the printer. Vander Griendt et al. discloses an image is printed on the surface of the object [FIG. 1; column 2, lines 12-17; column 3, lines 4-22]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including image is printed on the surface of the object, for the purpose of image is printed on the surface of the object as taught by Vander Griendt et al. The ability image is printed on the surface of the object in combination with the ability to attach a label to the object would be beneficial for effectively providing information to a user of the object.

McKillip and Vander Griendt et al. together disclose the essential elements of the claimed invention, except for a label is applied to the object at substantially the same time that the image is printed on the surface of the object. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by a label is applied to the object at substantially the same time that the image is printed on the surface of the object, for the purpose of production efficiency.

Regarding claims 5 and 6, McKillip discloses the label applicator includes means for removing the label from a backing prior to application of the label to the object [FIG. 2; column 4, lines 1-5].

Regarding claims 7 and 8, McKillip discloses wherein the retaining means retains the label with vacuum pressure [column 1, lines 44-45].

Regarding claim 9, McKillip discloses wherein the retaining means includes a valve means for supplying sufficient air flow to position and move the label [column 1, lines 44-45].

Regarding claim 12, McKillip discloses the essential elements of the claimed invention except for wherein the control system is configured to apply the label to the object prior to the completion of printing. McKillip discloses a controlled system that consists of plurality of printers and label applicator (patch station). McKillip's system is capable to performing the printing or capable of one function (printing) or the other (labeling). It would have been

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obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of McKillip by including wherein the control system is configured to apply the label to the object prior to the completion of printing, since printing in this matter is desirable for efficiency purposes.

Regarding claims 13 and 17, McKillip discloses the essential elements of the claimed invention except for wherein the printer is configured to omit the printed image from the portion of the object covered by the label. McKillip discloses a controlled system that consists of plurality of printers and label applicator (patch station). McKillip's system is capable to performing the printing or capable of omit the printing, since the controller is the hart of the system. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including wherein the printer is configured to omit the printed image from the portion of the object covered by the label, since to omit the printed image from the portion of the object covered by the label would be beneficial to provide desirable looking container for different application.

Regarding claim 15, McKillip discloses the control being configured to provide output signals establishing the position of the printer. McKillip system which perform both printing and applying label (patch), it must have, or it is inherent to have a controller to control both operations (printing and applying label) to take place as disclosed in column 3, lines 6-25 and FIGS. 1 and 2, and to provide signal to the label applicator (patch section)].

Regarding claim 16, McKillip discloses wherein the label applicator control system directs the application of one label for each set of output signals delivered by the printer [FIGS. 1 and 2, please see claim 15 rejection].

3. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mckillip (US Patent 6,389,971 B1) in view of Vander Griendt et al. (US Patent 4,337,719) as applied to claims 1, 2, 5-9, 12-17 above, and further in view of McCoy et al. (US Patent 6,257,136 B1).

Regarding claims 3 and 10, McKillip and Vander Griendt et al. together disclose the essential elements of the claimed invention, including the control being configured to provide output signals establishing the position of the printer, because looking at the McKillip system which perform both printing and applying label (patch), it must have, or it is obvious to have a controller to control both operations (printing and applying label) to take place as disclosed in column 3, lines 6-25 and FIGS. 1 and 2, and to provide signal to the label applicator (patch section)]. However McKillip does not disclose a programmable limit switch coupled to the printer. McCoy et al. discloses that the control system includes a programmable limit switch coupled to the printer [FIG. 21 (232); column 13, lines 40-67; column 14, lines 1-3]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including a programmable limit switch coupled to the printer, since McCoy et al. teaches a programmable limit switch coupled to the printer would be beneficial to provide a plurality of discrete electrical output control signals each designed to provide electrical control of diverse machine elements at preselected intervals during each machine cycle of a decorator.

Regarding claim 3, McKillip discloses the essential elements of the claimed invention except for the switch being configured to provide output signals establishing the position of the printer. Vander Griendt et al. discloses switch being configured to provide output signals establishing the position of the printer [column 1, lines 16-20; applicant's admission specification page 7, lines 13-16, here the limit switch is a broad term for controller, which Vander Griendt et al. teaches controls to move the object into a position relative to the printer]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including switch being configured to provide output signals establishing the position of the printer, since Vander Griendt et al. teaches switch being configured to provide output signals establishing the position of the printer would be beneficial to provide printing the image in the right place on the object.

McKillip and Vander Griendt et al. together disclose the essential elements of the claimed invention except for the control system includes a programmable limit switch coupled to the printer. McCoy et al. discloses that the control system includes a programmable limit switch coupled to the printer [FIG. 21 (232); column 13, lines 40-67; column 14, lines 1-3]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including a programmable limit switch coupled to the printer, since McCoy et al. teaches a programmable limit switch coupled to the printer would be beneficial to provide a plurality of discrete electrical output control signals each

designed to provide electrical control of diverse machine elements at preselected intervals during each machine cycle of a decorator.

According to "IEEE Standard Dictionary of Electrical and Electronics Terms" page 355 (right column), "encoder: a system in which only one input is excited at a time and each input produces a combination of outputs", and according to Rockwell article about "Programmable Limit Switch (PLS)" (is incorporated herein by reference), page 2, that one of the PLS functions is to" control outputs for press automation synchronized with the rotational position of the press crankshaft as monitored by a resolver input (function of PLS), therefore, the PLS taught by McCoy et al. can and will do the same function as the encoder claimed in claim 20, which it is a functional means for the claimed apparatus, which the system is capable to do the same function, by using the programmable limit switch which it is taught as discussed above McCoy et al.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 18, 19, 24, 25 and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by Mckillip (US Patent 6,389,971 B1).

Regarding claims 18, 19, 24 and 25, McKillip discloses a machine for printing images on containers and applying labels to the containers [10], the machine configured to hold the containers, the machine comprising

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a printer [20, 22, 24, 26] configured to apply an image to each container [FIG. 10; column 5, lines 28-32], and

a label applicator [28] coupled to the printer [20, 22, 24, 26] and configured to apply a label to each container at a prescribed location relative to the image while the image is being applied by the printer [column 5, lines 28-31].

Regarding claim 28, McKillip discloses wherein the label applicator is positioned relative to the printer such that the label is applied to the object at substantially the same time that the image is printed on the surface of the object [FIG. 1; 20, 22, 24, 26; 28; column 3, lines 7-25].

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20 and 21, is rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (US Patent 6,389,971 B1) in view of Vander Griendt et al. (US Patent 4,892,184).

Regarding claims 20 and 21, McKillip discloses the essential elements of the claimed invention except for wherein the control system includes an encoder and or revolver coupled to the printer, the encoder being configured to determine a cycle position of the machine. Vander Griendt et al. discloses wherein the control system includes an encoder and or revolver coupled to the printer, the encoder being configured to determine a cycle position of the machine [column

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1, lines 16-20; applicant's admission specification page 7, lines 13-16]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of McKillip by including wherein the control system includes an encoder and or revolver coupled to the printer, the encoder being configured to determine a cycle position of the machine, since it would be beneficial to provide printing the image in the right place on the object .

8. Claims 22 and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (US Patent 6,389,971 B1) in view of McCoy et al. (US Patent 6,257,136 B1).

Regarding claims 22 and 26, McKillip discloses the essential elements of the claimed invention, including the control being configured to provide output signals establishing the position of the printer, even though McKillip is silent about the controller, but looking at the McKillip's system which perform both printing and applying label (patch), it must have, or it is clear to have a controller to control both operations (printing and applying label) to take place as disclosed in column 3, lines 6-25 and FIGS. 1 and 2, and to provide signal to the label applicator (patch section)]. However McKillip does not disclose a programmable limit switch coupled to the printer. McCoy et al. discloses that the control system includes a programmable limit switch coupled to the printer [FIG. 21 (232); column 13, lines 40-67; column 14, lines 1-3]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including a programmable limit switch coupled to the printer, since McCoy et al. teaches a programmable limit switch coupled to the printer, since McCoy et al. teaches a programmable limit switch coupled to the printer would be beneficial to provide a plurality of discrete electrical output control signals each

designed to provide electrical control of diverse machine elements at preselected intervals during each machine cycle of a decorator.

9. Claims 22 and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over McKillip (US Patent 6,389,971 B1) in view of Vander Griendt et al. (US Patent 4,892,184) and further in view of MaCoy et al. (US Patent 6,257,136 B1).

Regarding claims 22 and 26, McKillip discloses the essential elements of the claimed invention. Although it is the examiner's opinion that McKillip discloses the control being configured to provide output signals establishing the position of the printer, even though McKillip is silent about the controller, but looking at the McKillip's system which perform both printing and applying label (patch), it must have, or it is clear to have a controller to control both operations (printing and applying label) to take place as disclosed in column 3, lines 6-25 and FIGS. 1 and 2, and to provide signal to the label applicator (patch section)] as set forth in the office action above. Since it is a broad interpretation of the claim, and in order to expedite prosecution, the claims 22 and 26 will be also examined as being unpatentable over McKillip in view of Vander Griendt et al. and further in view of MaCoy et al.. Vander Griendt et al. discloses switch being configured to provide output signals establishing the position of the printer [column 1, lines 16-20; applicant's admission specification page 7, lines 13-16, here the limit switch is a broad term for controller, which Vander Griendt et al. teaches controls to move the object into a position relative to the printer]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including switch being configured to provide output signals establishing the position of the

printer, since Vander Griendt et al. teaches switch being configured to provide output signals establishing the position of the printer would be beneficial to provide printing the image in the right place on the object .

McKillip and Vander Griendt et al. together disclose the essential elements of the claimed invention except for the control system includes a programmable limit switch coupled to the printer. McCoy et al. discloses that the control system includes a programmable limit switch coupled to the printer [FIG. 21 (232); column 13, lines 40-67; column 14, lines 1-3]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including a programmable limit switch coupled to the printer, since McCoy et al. teaches a programmable limit switch coupled to the printer would be beneficial to provide a plurality of discrete electrical output control signals each designed to provide electrical control of diverse machine elements at preselected intervals during each machine cycle of a decorator.

According to "IEEE Standard Dictionary of Electrical and Electronics Terms" page 355 (right column), "encoder: a system in which only one input is excited at a time and each input produces a combination of outputs", and according to Rockwell article about "Programmable Limit Switch (PLS)" (is incorporated herein by reference), page 2, that one of the PLS functions is to" control outputs for press automation synchronized with the rotational position of the press crankshaft as monitored by a resolver input (function of PLS), therefore, the PLS taught by McCoy et al. can and will do the same function as the encoder claimed in claim 20, which it is a

functional means for the claimed apparatus, which the system is capable to do the same function, by using the programmable limit switch which it is taught as discussed above McCoy et al.

10. Claims 29, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vander Griendt et al. (US Patent 4,892,184) in view of McKillip (US Patent 6,389,971 B1).

Regarding claim 29, Vander Griendt et al. discloses each container having an axis about which it rotates [FIG.S. 1-4B; column 4, lines 20-49], the printer comprising a printing head and container feeder configured to present each container to the printing head with each container rotating about its own axis adjacent the printing head [FIG.S. 1-4B; column 4, lines 20-49].

Vander Griendt et al. discloses the essential elements of the claimed invention except for the combination of a container printer and a label applicator configured to apply a label at a prescribed area of each container and the label applicator being positioned and configured to apply a label to each container. McKillip discloses the combination of a container printer and a label applicator configured to apply a label at a prescribed area of each container and the label applicator being positioned and configured to apply a label to each container [FIG. 21 (232); column 13, lines 40-67; column 14, lines 1-3]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of Vander Griendt et al. by including the combination of a container printer and a label applicator configured to apply a label at a prescribed area of each container and the label applicator being positioned and configured to apply a label to each container, since McKillip teaches the combination of a container printer and a label applicator configured to apply a label at a prescribed area of each container and the label applicator being positioned and configured to

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apply a label to each container would be beneficial to provide a container with both a print image and a label.

Regarding claims 30 and 33, Vander Griendt et al. discloses the essential elements of the claimed invention except for a control system for coordinating the presentation of each container to the printing head with the application of a label. McKillip discloses a control system for coordinating the presentation of each container to the printing head with the application of a label [FIG. 21 (232); column 13, lines 40-67; column 14, lines 1-3]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of Vander Griendt et al. by including a control system for coordinating the presentation of each container to the printing head with the application of a label, since McKillip teaches a control system for coordinating the presentation of each container to the printing head with the application of a label would be beneficial to provide a container with both a print image and a label. McKillip discloses the control being configured to provide output signals establishing the position of the printer, McKillip system which perform both printing and applying label (patch), it must have, or it is inherent to have a controller to control both operations (printing and applying label) to take place as disclosed in column 3, lines 6-25 and FIGS. 1 and 2, and to provide signal to the label applicator (patch section)].

11. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vander Griendt et al. (US Patent 4,892,184) in view of McKillip (US Patent 6,389,971 B1) as applied to claims 29, 30 and 33 above, and further in view of MaCoy et al. (US Patent 6,257,136 B1).

Regarding claim 31, Vander Griendt et al. discloses printer [column 1, lines 16-20; applicant's admission specification page 7, lines 13-16, here the limit switch is a broad term for controller, which Vander Griendt et al. teaches controls to move the object into a position relative to the printer].

Vander Griendt et al. and McKillip together disclose the essential elements of the claimed invention except for the control system includes a programmable limit switch coupled to the printer. McCoy et al. discloses that the control system includes a programmable limit switch coupled to the printer [FIG. 21 (232); column 13, lines 40-67; column 14, lines 1-3]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of McKillip by including a programmable limit switch coupled to the printer, since McCoy et al. teaches a programmable limit switch coupled to the printer would be beneficial to provide a plurality of discrete electrical output control signals each designed to provide electrical control of diverse machine elements at preselected intervals during each machine cycle of a decorator.

According to "IEEE Standard Dictionary of Electrical and Electronics Terms" page 355 (right column), "encoder: a system in which only one input is excited at a time and each input produces a combination of outputs", and according to Rockwell article about "Programmable Limit Switch (PLS)" (is incorporated herein by reference), page 2, that one of the PLS functions is to" control outputs for press automation synchronized with the rotational position of the press crankshaft as monitored by a resolver input (function of PLS), therefore, the PLS taught by McCoy et al. can and will do the same function as the encoder claimed in claim 20, which it is a

functional means for the claimed apparatus, which the system is capable to do the same function, by using the programmable limit switch which it is taught as discussed above McCoy et al.

***Allowable Subject Matter***

12. Claims 4, 11, 23, 27 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 4, 11, 23, 27, 32 and 34-38 are allowable. The examiner's statement of reasons for allowance for claims 4, 11, 23, 27 and 32 was documented in the office action mailed on 05/04/2004.

claims 34-38 are allowable claims 34-38 are written in independent form (same as claims 4, 11, 23, 27 and 32) including all the limitations of the base claims and the intervening claims respectively. Therefore the examiner's statement of reasons for allowance for claims 34-38 are the same as 4, 11, 23, 27, 32.

***Response to Arguments***

13. Applicant's remarks filed on 09/07/2004 are moot for claims 1, 3, 14, 15 since a new rejection is presented as set forth in this office action as necessitated by the amendment.

Applicant's arguments on page 4, that "McKillip does disclose a business form printer that prints on a surface on one side of a business form and applies an adhesive patch to a different surface on an underside of the business form. Thus, Applicant asserts that there is no

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suggestion or motivation to use the teaching of McKillip to modify the device disclosed in Vander Griendt et al. to provide a label applicator on the device of Vander Griendt et al. when McKillip does not address a container environment. Further, one of ordinary skill in the art would not apply a label to an inside surface of a container especially since McKillip teaches placing a patch on the underside of a business form. Therefore, reconsideration of this rejection is respectfully requested.” The examiner respectfully disagrees, because with the broadest reasonable interpretation of the claim language, claims 29-30 and 33 do read on Vander Griendt et al. (US Patent 4,892,184) in view of McKillip (US Patent 6,389,971 B1) as set forth in the office action above. It is important to note that McKillip’s system is capable of printing on the front or the back of the object [McKillip: column 3, lines 64-67] and not as the applicant argues on page 4, “that McKillip does disclose a printer that prints on a surface on one side” . Regarding the second part of the argument about that “McKillip does not address a container environment”. The examiner respectfully disagrees, because again with the broadest reasonable interpretation of the claim language, McKillip does address the container environment in FIG 10, column 5, lines 14-27. And hence it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify the teachings of Vander Griendt et al. by including the combination of a container printer and a label applicator configured to apply a label at a prescribed area of each container and the label applicator being positioned and configured to apply a label to each container, since McKillip teaches the combination of a container printer and a label applicator configured to apply a label at a prescribed area of each container and the label applicator being positioned and configured to

apply a label to each container would be beneficial to provide a container with both a print image and a label. Therefore the rejection is proper.

### *Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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